

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

United States of America,	)	
	)	CR No. 0:08-00611-MBS
vs.	)	
	)	<b>ORDER AND OPINION</b>
Laurkeda Montrell Montgomery,	)	
	)	
Defendant.	)	
	)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255. A memorandum in support of Defendant's motion was filed on April 7, 2016, arguing that in light of the Supreme Court's holding in *Johnson v. United States*, 135 S. Ct. 2551 (2015), Defendant's sentence should be vacated. On June 7, 2016, the Government filed a response agreeing that Defendant's motion should be granted and he should be resentenced.

The court grants the motion for relief under 28 U.S.C. § 2255. The Judgment Order in 0:08-CR-00611-MBS, filed December 19, 2008, is hereby vacated, and this matter is set for resentencing on June 27, 2016. A separate notice specifying the time of the hearing will be forthcoming.

**IT IS SO ORDERED.**

s/ Margaret B. Seymour  
MARGARET B. SEYMOUR  
Senior United States District Judge

Columbia, South Carolina  
June 8, 2016